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May 7, 2020

Via E-Filing

Honorable Valerie E. Caproni, U.S.D.J.
United States District Court
Thurgood Marshall United States Courthouse
Southern District of New York
40 Foley Square, Room 240
New York, NY 10007-1312

Re: *Cellucci et al. v. O'Leary et al. (S.D.N.Y. Civ. No. 1:19-cv-02752-VEC)*

Dear Judge Caproni:

Once again, I sincerely hope that Your Honor, the Court's staff, and counsel for defendants, and their respective families are safe and healthy.

My firm currently represents the plaintiffs in the above-captioned matter. I respectfully submit this letter concerning this Court's Memo Endorsements [98 and 100]. The Court initially required that, by April 10, 2020, we file a Second Amended Complaint and submit a joint letter to the Court proposing notice to non-party shareholders of the resolution of the plaintiffs' claims with the defendant law firms/attorneys. Thereafter, at my request, and the consent of counsel, that deadline was extended until May 11, 2020.

Unfortunately, the pandemic has significantly impaired my ability to meet this deadline. I live and my main office is in New Jersey, and my accessibility and that of my staff are limited. Just yesterday Governor Murphy signed Executive Order 138 extending the state of emergency for an additional 30 days. I am trying to get as much work done as possible over several matters, including redrafting the Complaint in this action pursuant to the Court's Decision and Order, and I am having ongoing discussions with my clients regarding whether to continue this matter in the Southern District of New Jersey or in a Delaware Chancery Court. Additionally, plaintiffs are seeking other counsel to replace my firm as counsel of record.

Accordingly, we respectfully request that the Court adjourn our deadlines until May 29, 2020. This will be my last request for an extension.

JARDIM, MEISNER & SUSSER
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I have been communicating repeatedly with counsel for Mr. O'Leary/DarkPulse, and his clients decline this adjournment request. I have calls into the remaining defendants with whom we have reached a settlement, and do not anticipate that they will have an issue with my adjournment request.

Respectfully submitted,


BENNET SUSSER

cc: All counsel of record (via e-filing)